

## VARIANCE PROCEDURE

When an applicant feels that the strict application of the requirements of the Zoning Regulations would create an undue hardship, he or she may request a variance from the Combined Planning and Zoning Board. The Combined Planning and Zoning Board must base its decision, to as great a degree as possible, on factual evidence and not the personal opinion of the applicant, neighbors, or others. The request for a variance should be based on a conflict between the restrictions on the development of the property due to the Zoning Regulations and the restrictions on the development of the property due to its physical characteristics. A variance should be issued only to the specific restrictions on physical construction and not to the list of permissible land uses within a given zone.

1. Application and Fees: Every application for a variance shall be filed with the Administrative Official on forms provided by the City along with a \$150.00 review and processing fee established pursuant to Section 90-067. Every variance application shall also be filed with the soil and water conservation district by the applicant, as per Illinois State Statute (70 ILCS 405/22.02a). The administrator shall promptly transmit the application, together with any advice he might wish to offer, to the Combined Planning and Zoning Board. The application shall contain sufficient information to allow the Board to make an informed decision, and shall include, at a minimum, the following:
  - a. Name and address of the applicant and a listing of the name and address of the owners of all property located within 250 feet of the boundaries of the property included in the application;
  - b. Location of the structure/use for which the variance is sought;
  - c. Relationship of the structure/use to existing structures/uses on adjacent lots;
  - d. Specific section of this chapter containing the requirements which, if strictly applied, would cause a serious problem;
  - e. Any other pertinent information that the administrator may require; and
2. Public Hearing: The Combined Planning and Zoning Board shall hold a public hearing on each zoning variance request within a reasonable time after the variance application is submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date and place of the hearing, and the nature of the proposed variance, shall be given not more than 30 nor less than 15 days before the hearing by:
  - a. First class mail to the applicant and to all parties whose property would be directly affected by the proposed variance. and
  - b. Publication in a newspaper of general circulation within this City.
3. Standards for Consideration: The Combined Planning and Zoning Board shall not grant any zoning variance unless, based upon the evidence presented to them, they determine that the proposed variance meets the requirements below and as noted in Section 90.093 of the Zoning Code and also provided in the Application Checklist located at the end of this Section.
  - a. The applicant acquired his property in good faith and where by reason of exceptional narrowness, shallowness or shape of his specific piece of

property at the time of the effective date of this code, or where by reasons of exceptional topographical conditions or other extraordinary circumstances, that the strict application of the terms of the Zoning Regulations actually prohibit the use of this property in the manner similar to that of other property in the zoning district where it is located

- b. That the proposed variance is consistent with the general purpose of City's Zoning Code. (Section 90.001)
  - c. Strict application of the Chapter of which the variance is being requested would constitute unnecessary hardship upon the property owner represented in the application;
  - d. The proposed variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship and allow a reasonable return on the property;
  - e. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district and is not created by an action or actions of the property owner or applicant.
  - f. The peculiar circumstances engendering the variance request are not applicable to other property within the district, and therefore, that a variance would be a more appropriate remedy than an amendment (rezoning), and
  - g. The variance, if granted, will not alter the essential character of the area where the premises in question are located, nor materially frustrate the implementation of this City's comprehensive plan.
4. Supplemental Requirements: In granting a variance, the Board may impose such conditions, safeguards and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations.
5. Basis for Decision-Making: The Combined Planning and Zoning Board shall render a decision on every zoning variance request within a reasonable time after the public hearing. In accordance with Illinois State Statute (65 ILCS 5/11-13-11), the Combined Planning and Zoning Board shall specify the terms of relief granted, if any, in one statement, and their findings of fact in another statement. The findings of fact shall clearly indicate the Board's reasons for granting or denying any requested variance.

**EXHIBIT "A"**  
**CITY OF HIGHLAND, ILLINOIS**  
**Variance Application**

Return Form To:

Administrative Official  
City of Highland  
2610 Plaza Drive  
Highland, IL 62249  
(618) 654-7115  
(618) 654-5570 (fax)

For Office Use Only

Date Submitted: \_\_\_\_\_  
Filing Fees: \_\_\_\_\_  
Date Paid: \_\_\_\_\_  
Date Advertised: \_\_\_\_\_  
Date Notices Sent: \_\_\_\_\_  
Determination: \_\_\_\_\_

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**APPLICANT INFORMATION:**

Applicant: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Owner: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_  
Email Address: \_\_\_\_\_

**PROPERTY INFORMATION:**

Location of Property: \_\_\_\_\_

Legal Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Present Use of Property: \_\_\_\_\_

Proposed Use of Property: \_\_\_\_\_

Variance Requested: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Code Section: \_\_\_\_\_

Utility Lines or Easements that would restrict proposed development: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ADJACENT ZONING AND LAND USE:**

	<u>Existing Land Use</u>	<u>Zoning</u>
North	_____	_____
South	_____	_____
East	_____	_____
West	_____	_____

<b><i>The Combined Planning and Zoning Board shall not grant any zoning variance unless, based upon the evidence presented to them, they determine that:</i></b>	<b>Yes</b>	<b>No</b>
1. <b><u>Property Acquisition:</u></b> The property was acquired in good faith and strict application of the terms of the Zoning regulations would prohibit the use of the property.		
2. <b><u>Zoning Code Compliance:</u></b> The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.		
3. <b><u>Hardship:</u></b> Strict application of this Chapter of which the variance is requested would constitute unnecessary hardship upon the property owner represented in the application;		
4. <b><u>Minimal Deviation:</u></b> The proposed variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship and allow a reasonable return on the property;		
5. <b><u>Uniqueness:</u></b> The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district and is not created by an action or actions of the property owner or applicant.		
6. <b><u>Public Interest:</u></b> The variance is not applicable to other property within the district, and therefore, that a variance would be a more appropriate remedy than an amendment (rezoning), and		
7. <b><u>Comprehensive Plan Compliance:</u></b> The variance, if granted, will not alter the essential character of the area where the premises in question are located, nor materially frustrate the implementation of this City's comprehensive plan.		

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date



# City of Highland

Community Development Department  
Building and Zoning Division

## EXHIBIT "B"

Combined Planning & Zoning Board  
City of Highland  
2610 Plaza Drive PO Box 218  
Highland IL 62249

Date Attachment Received: \_\_\_\_\_

## SUMMARY OF PROPERTY OWNERS

Please attach a **stamped copy** of the computer listing of the most recent tax records available from Madison County Maps & Plats for the subject property and Names and Addresses of all property owners within 250 feet of subject property boundaries, **excluding adjacent right-of-ways**.

**Subject Property Address:** \_\_\_\_\_

**Parcel ID Number:** \_\_\_\_\_

**Property Owner Name:** \_\_\_\_\_

This listing must be returned to the Building & Zoning Department, 2610 Plaza Drive, P.O. Box 218 Highland IL. 62249 by:

\_\_\_\_\_

Failure to provide the listing by this date will result in placement of your petition on a following agenda. **NO EXCEPTIONS.**

I HAVE READ AND UNDERSTAND THE ABOVE CITY OF HIGHLAND PETITION  
TO THE COMBINED PLANNING & ZONING BOARD REQUIREMENTS

NAME (Signature) \_\_\_\_\_

NAME (please print) \_\_\_\_\_

DATE \_\_\_\_\_